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HEARING OF BOARD OF APPEALS
1180 BOYLSTON STREET
Wednesday, October 16, 2019 at 7:00 p.m.
Brookline Town Hall
333 Washington Street
Sixth Floor
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2 Johanna W. Schneider, Chairwoman

3 Mark Zuroff, Board Member

4 Randolph Meiklejohn, Board Member

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6 Maria Morelli, Planner

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8 Rashna Balakrishna

9 Stefan Vogelmann

10 Raj Dhanda, Applicant

11 Haril Pandya, CBT Architects

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1 P R O C E E D I N G S

2 CHAIRWOMAN SCHNEIDER: Good evening
3 everyone. This is the continued hearing for the
4 comprehensive permit application for the modified
5 1180 Boylston Street project. I think everybody
6 knows the Board by now. I'm Johanna Schneider. I'm
7 joined by Mark Zuroff and Randolph Meiklejohn.

8 Tonight our agenda is review of the
9 rubbish and trash management plan for the project,
10 discussion of the construction management plan,
11 discussion of requested waivers for the modified
12 project, draft conditions. We will have public
13 comment. We will have a discussion of any remaining
14 items and then our expectation is this hearing will
15 close this evening.

16 Maria, do you want to start with a
17 staff report.

18 MS. MORELLI: Yes, thank you. I'm
19 Maria Morelli, senior planner of the planning
20 department. Just a few items.

21 I want to point out that Commissioner
22 Bennett, Building Commissioner Bennett is not here
23 this evening, but we did have a discussion and I
24 prepared a summary of that discussion pertaining to
25 the waivers. I want to point that out to the Board.

1 That summary in writing is before you and we can
2 enter portions of it into the record as you see fit.

3 In regard to the trash management
4 plan, Pat Maloney, who is the chief of environmental
5 health, wasn't able to write a memo but he did
6 review the plan and had advised that I simply update
7 the conditions with some of the metrics that changed
8 because there will be a review and approval of final
9 management plan. He felt comfortable with that
10 option. So those are just two items that I wanted
11 to mention.

12 The first one is more housekeeping.
13 We are not able to have Brookline Interactive Group
14 televise this evening, but we do have an audio
15 recording and as usual have a court stenographer so
16 transcripts will be available in two weeks.

17 CHAIRWOMAN SCHNEIDER: Okay. Thank
18 you. Do you we need to review a rubbish plan or is
19 that something that's going to be handled
20 administratively?

21 MS. MORELLI: Because the commercial
22 space is increasing from 5,300 to 6,500, I want to
23 have Pat Maloney review, and so I think it would be
24 helpful for the project team to give a very general
25 overview of the deltas, how the trash management

1 plan is changing and it will really amount to sizes
2 of trash rooms and the size of containers and how
3 the quantities are increasing.

4 MS. BALAKRISHNA: Rashna Balakrishna
5 for the applicant. So as Maria mentioned, we've
6 gone from 5,300 to 6,500 on the commercial space,
7 6569 to be exact, and we also have five more units.
8 I didn't update the trash plan which is being
9 reviewed or has been reviewed and will be updated --
10 commented on and approved by Pat Maloney. It's a
11 very similar trash plan to what was presented
12 before. Each floor will have its own trash room.
13 There is more space now for trash and recycling than
14 there was previously.

15 There will be a large trash and
16 recycling room on the first level of the garage.
17 It's a little under 400 square feet. It can hold
18 seven 96-gallon bins, and three what's called a two
19 cubic yard containers as well as a compactor.

20 Pat Maloney had recommended the
21 compactor to reduce the amount of pickups. We're
22 planning for two pickups per week. And each
23 residential floor will have its own trash closet,
24 which is approximately 73 square feet, which is
25 larger than what was done before, and each retail

1 space will have its own trash closet and the
2 commercial tenants will be required to coordinate
3 with the residential pickup for trash and recycling.

4 Typically there is one truck that
5 comes for trash pickup for both residential and
6 commercial and one that comes for recycling.

7 That's really the main summary of
8 what we've done. We also have a trash room on the
9 first floor that's available, and the building
10 maintenance person will manage the residential
11 trash.

12 MR. ZUROFF: So the commercial waste
13 will be directly into some kind of container in the
14 building or will it be in the garage?

15 MS. BALAKRISHNA: The commercial
16 spaces each have their own closet next to their
17 space, so to the extent possible it will be in that
18 closet until the pickup day and time, at which point
19 it will be put out with the residential.

20 MR. ZUROFF: So are there going to be
21 wheeling containers out?

22 MS. BALAKRISHNA: They will be from
23 the commercial, yes. From the first floor
24 commercial spaces they will be taking containers out
25 to the driveway, basically on the side of the

1 driveway, the same spot that we had designated
2 before is where the pickup will occur, which if
3 you're facing the driveway, it's the far right side.
4 And so it's a similar -- we had talked to Pat
5 Maloney. It's a similar pickup as to what some of
6 the other businesses have done on that side of Route
7 9.

8 MR. ZUROFF: Thank you.

9 CHAIRWOMAN SCHNEIDER: Randolph, any
10 questions? Okay. Maria, anything else from the
11 Town's perspective on the rubbish plan?

12 MS. MORELLI: No, that's it.

13 CHAIRWOMAN SCHNEIDER: Thank you. So
14 I understand that we have some comments from our
15 peer reviewer, Fuss and O'Neill and construction
16 management plan.

17 Maria, is that something you want to
18 either summarize or read into the record?

19 MS. MORELLI: It is a two-page memo.
20 I think I can briefly summarize by saying that we
21 did have Fuss and O'Neill review the construction
22 management plan. We didn't have a preliminary CMP
23 the first time for the initial project. We just
24 felt that with the new addition, the new parcel that
25 it would be a good thing to have a preliminary

1 exercise done for the CMP.

2 I can say that I have included all of
3 the recommendations that Fuss and O'Neill made into
4 the conditions and that basically pertains to having
5 a foundation plan submitted to staff for review and
6 approval. These are going to be sekant piles which
7 might introduce some vibration issues, so there will
8 be some vibration monitoring. The thickness of the
9 foundation is already accounted for in the plans and
10 the parking plan. There will also be an excavation
11 support that will be reviewed by staff.

12 The most important thing is really
13 any potential soil remediation that is warranted.
14 Right now the building at 612 to 614 Hammond Street
15 takes up most of that parcel, so the applicant was
16 not able to characterize the soils or test for any
17 hazardous materials. There is a provision in the
18 condition to make sure that the applicant is
19 responsible for that, and those tests are shared
20 with the Town at the right juncture. And should
21 there be any remediation warranted, the applicant
22 will be the party responsible.

23 So all of those concerns that Fuss
24 and O'Neill raised are provided for in the
25 conditions.

1 CHAIRWOMAN SCHNEIDER: Mark, any
2 questions?

3 MR. ZUROFF: No.

4 CHAIRWOMAN SCHNEIDER: Randolph?

5 MR. MEIKLEJOHN: Yeah, Maria, is Fuss
6 and O'Neill -- did you invite them to comment only
7 on the geotechnical and soil aspects of the
8 construction management plan? And there's probably
9 more to it, but the introduction of the excavation
10 next, that actually is one of the changes from one
11 permit to this application.

12 MS. MORELLI: Right. Let's keep in
13 mind the state does have rules about not damaging
14 abutting properties, and what we've been doing on a
15 few of these 40Bs is we've been introducing this
16 area of construction management planning, which is
17 really relegated to the Building Commissioner's
18 purview. We've only introduced it because we want
19 to make sure these projects are feasible. So that
20 has not come up as an issue here. So I wanted to
21 state that even though protection of abutting
22 properties is important, we do have a condition that
23 there needs to be a foundation survey done pre and
24 post construction that has to be reviewed and
25 approved by the Building Commissioner and DPW.

1 And the construction management plan
2 that DPW and the Building Commissioner are involved
3 in, they do have quite a bit of latitude. If they
4 notice that there might be some potential concern or
5 hazard, it's within their purview to ask for more
6 information before proceeding with construction.

7 So I would just say that yes, there
8 is a lot of material that's covered in the CMP, but
9 it's not necessarily the ZBA's purview other than
10 making sure that the applicant is the responsible
11 party for any damage or hazards.

12 MR. MEIKLEJOHN: You anticipated my
13 next question. I appreciate getting Fuss and
14 O'Neill's comments on their part of it. I
15 appreciate their comments so thanks for providing
16 it.

17 MS. MORELLI: Yes.

18 CHAIRWOMAN SCHNEIDER: I'm glad to
19 see their recommendations have been woven into the
20 conditions of the decision.

21 So our next agenda items are waivers.
22 Maria, does it make sense to go through the
23 requested waivers or does it make sense to go
24 through the Building Commissioner's memo?

25 MS. MORELLI: I think we could do

1 them together. I think what I might do is just
2 begin with one general comment, which is these are
3 two abutting parcels. They're both zoned as G or
4 general district 1.0, and even though the two
5 adjoining lots are in common ownership or maybe in
6 common ownership, the lot lines shared by two
7 properties are not necessarily eliminated unless
8 there is a mechanism, mainly an approval not
9 required plan.

10 That is a separate process where the
11 applicant would submit a plan for combining the lots
12 to the Planning Board for endorsement. What that
13 would do is it would effectively eliminate those
14 internal lines. Without eliminating those internal
15 lines we do have additional waivers that would be
16 required.

17 So to cut to the chase these waivers
18 were submitted as if those internal lines did not
19 exist and the Building Commissioner and I reviewed
20 the waivers as if this was just one large, combined
21 lot. We do recommend adding a condition which I
22 have distracted by pencil, but you don't have it in
23 your typed version, to have the applicant submit an
24 endorsed or proof of that to the Registry prior to
25 the issuance of the building permit. Just keep that

1 in mind as we're going through waivers.

2 CHAIRWOMAN SCHNEIDER: Is that a
3 condition that has been shared with the applicant
4 before right now?

5 MS. MORELLI: I think we discussed it
6 but it's not in the typed version that you have.
7 It's typically done -- we did this on, I believe,
8 Babcock and 420 Harvard. So we've had similar
9 situations where there might have been modification
10 or just two parcels. I don't see that that is a
11 problem.

12 With regard to Waiver A, the obvious
13 thing is we do need to update. So what you're
14 granting a waiver for is updating 45 units to 50, so
15 this is 50, still age-restricted units, and the
16 amount of retail commercial space from I believe
17 that's 5,300. I see 5,388 to 6,569.

18 CHAIRWOMAN SCHNEIDER: We have to
19 vote on each of these, correct?

20 MS. MORELLI: Yes.

21 MR. ZUROFF: Approved.

22 CHAIRWOMAN SCHNEIDER: Approved.

23 MR. MEIKLEJOHN: Approved.

24 MS. MORELLI: For Waiver C -- there's
25 no Waiver B in the decision that was approved by the

1 ZBA. This has to do with Section 509 design review.
2 There are no changes. It's just a housekeeping. If
3 you look at the decision, there were exceptions
4 listed under the requested waivers, so we don't have
5 to make any new changes here, we just have to make
6 sure we're using the correct version for Waiver C.
7 I just want to point that out, so that does not need
8 to be voted on.

9 Waiver D does need to be voted on,
10 and this concerns some metrics that need to be
11 updated regarding the size of the lot now that we
12 have a new parcel being added. We are changing the
13 lot size from 14,719 square feet to 17,690 square
14 feet. That floor area ratio will change from 4.40
15 square feet to 4.52 square feet. And then each of
16 the square feet for each floor has been changed. I
17 can read that into the record for you and just
18 review that.

19 CHAIRWOMAN SCHNEIDER: We can just
20 review that.

21 MS. MORELLI: I'll note the total
22 increases from 64,694 square feet to 79,966 square
23 feet.

24 MR. MEIKLEJOHN: Maria, on the ground
25 level, I think is the comma in the wrong place or

1 extra digits?

2 MS. MORELLI: Thank you.

3 CHAIRWOMAN SCHNEIDER: Do we know
4 what the correct number is?

5 MS. MORELLI: Ground level.

6 MR. MEIKLEJOHN: It's the
7 residential.

8 MS. MORELLI: For ground level I
9 think there is an extra five. Could I just ask?
10 The ground level retail, ground level residential
11 4,289 square feet and it looks like there is a 4,
12 comma, 0155. So is that zero not supposed to be
13 there or an extra five? Maybe we can just return to
14 that after you review it.

15 MR. ZUROFF: For the record, Maria,
16 you said the floor area ratio will be 4.52 square
17 feet. It's not square feet?

18 MS. MORELLI: Right. That's why I
19 hesitated. We will return to Waiver D. Just toggle
20 with the Commissioner's summary.

21 Waiver E, this is just a
22 recommendation from the Commissioner. Again, there
23 is no change in regard to height. We just want to
24 make sure that we have -- it's kind of like belts
25 and suspenders, just some clarification. The height

1 of the development remains 68 feet 2 inches at its
2 maximum.

3 We're going to advise that you
4 indicate the elevation at the ridge line above
5 natural grade. That's just helpful to have that.
6 So if you will provide that, we will just add that
7 to the waiver.

8 MR. MEIKLEJOHN: Maria, when you say
9 ridge, is that the top of the structure there is no
10 ridge.

11 MR. VOGELMANN: Top of the steel.

12 MR. MEIKLEJOHN: Top of the
13 structural?

14 MR. VOGELMANN: Yes.

15 MR. PANDYA: There is usually an
16 average.

17 MS. MORELLI: There is nothing for
18 Waiver E.1. We no longer need Waiver E.2 regarding
19 side yards with the combined lots. There is no side
20 yard. That is eliminated.

21 For Waiver E.3, I wanted to note that
22 in the waivers approved by the ZBA that the
23 requirement for zoning is 40 feet, so there is no
24 change. It's just a housekeeping thing.

25 This is a new rear yard and what

1 they're providing is one foot for that rear yard and
2 E3, and there is a site plan that indicates where
3 that is if you need to review that, and that should
4 be the last page.

5 So E3, that would be kind of like the
6 southwest corner, so where the Sushi building was
7 and the strip mall, it would be that part.

8 You're going need to vote on E3.

9 CHAIRWOMAN SCHNEIDER: Yes.

10 MR. ZUROFF: Approved.

11 MR. MEIKLEJOHN: Approved.

12 MS. MORELLI: Similarly for E4, just
13 to orient you, you can see that on your site plan
14 that's going to be the property line that's shared
15 with the six-family condo on Route 9. And again,
16 just some housekeeping, what is required by zoning
17 is a 40 foot setback and what is provided is 19 feet
18 and 3 inches.

19 MR. MEIKLEJOHN: Maria, it doesn't
20 quite show on the drawing. Is it from the second
21 floor above or is it from the ground level?

22 MS. MORELLI: It would be to that
23 overhang.

24 MR. MEIKLEJOHN: Can I just ask. In
25 the middle column here you're saying the zoning says

1 40 feet. This keeps saying 30 feet.

2 MS. MORELLI: That is just an error
3 on the applicant's part.

4 MR. MEIKLEJOHN: Because they drafted
5 that?

6 MS. MORELLI: Yes. It's just what
7 was required by zoning is 40 feet.

8 MR. MEIKLEJOHN: Thank you.

9 MS. MORELLI: So for E4, did we have
10 a vote?

11 MR. ZUROFF: Approved.

12 CHAIRWOMAN SCHNEIDER: Approved.

13 MR. MEIKLEJOHN: Approved.

14 MS. MORELLI: For E5, again, just
15 some housekeeping. This is abutting a two-family T
16 distinct and the setbacks should be 30 feet, not 20.
17 The applicant is providing a one foot setback for
18 that rear yard.

19 MR. ZUROFF: Approved.

20 CHAIRWOMAN SCHNEIDER: Approved.

21 MR. MEIKLEJOHN: Approved.

22 MS. MORELLI: Now to Waiver F
23 concerning parking spaces. So our zoning would
24 require for residential one hundred. So keep in
25 mind we have 50 units that would be required is one

1 hundred parking spaces. The waiver is to allow for
2 a ratio of .8 and that would be a little less than
3 one. And then there would be -- I'm going to do the
4 commercial a little bit differently from the way
5 this was done.

6 One thing I want to say is I'm not
7 counting the two surface spaces in the total because
8 our parking reviewer didn't factor in those two
9 surface spaces, so I'm using -- let's say you have
10 70 parking spaces, not 72. You're providing 50
11 parking space for the residential, and that means
12 there would be 20 spaces left over for the
13 commercial. And the commercial is calculated that
14 there is 200 square feet for each parking space in
15 this district, of a 1.0 district.

16 One clarification I want on the
17 parking ratio. There are 50 units and you're
18 providing 50 parking spaces, so wouldn't the ratio
19 be 1.0 instead of .8? Okay. All right.

20 So both residential and commercial
21 are still providing less than zoning requires so we
22 do need a waiver for both.

23 CHAIRWOMAN SCHNEIDER: Maria, just to
24 clarify, the requested waiver is not for .8 spaces
25 per unit? It's one?

1 MS. MORELLI: That is correct.

2 MR. ZUROFF: Approved.

3 CHAIRWOMAN SCHNEIDER: Approved.

4 MR. MEIKLEJOHN: Approved.

5 MS. MORELLI: There is no change for
6 Waiver H and no change for Waiver I. And we no
7 longer need Waiver J because we're not using
8 stackers in this project, so we don't have tandem
9 parking spaces.

10 There is Waiver K and L here. I
11 would have to double-check something. I think there
12 is an error. There is no Waiver L. There is Waiver
13 K that has an update because we do have to apply
14 this waiver from the demolition review for the
15 existing structure at 612-614 Hammond. Right. So
16 to clarify we're adding some language to Waiver K
17 but there is no Waiver L.

18 MR. ZUROFF: Approved.

19 CHAIRWOMAN SCHNEIDER: Approved.

20 MR. MEIKLEJOHN: Approved.

21 CHAIRWOMAN SCHNEIDER: Item, strap
22 conditions. Maria, do you want to talk a little bit
23 about the way that we're proposing this decision be
24 structured because it's a modification.

25 MS. MORELLI: Yes. This is actually

1 our first modification where we have a substantial
2 change. Our other changes, modifications have been
3 insubstantial and we're also adding another parcel
4 to the site, so the definition of site and project
5 changed. We want to be clear about the metrics that
6 are changing and the fact that we did have such
7 extensive review from our technical advisors.

8 I do have procedure history that
9 pertains to this modification. We do have new
10 materials, and some of those are called modified.
11 And then there are supplemental findings.

12 What I've done with decisions, I have
13 six general conditions that refer to schedules, and
14 by referring to the schedules, I feel like I'm
15 better able to organize what the deltas are. So
16 schedule one is going to be about all the materials
17 that either replace or supplement the plan. So we
18 have a new site plan. We have new architectural
19 plans.

20 So schedule one is going to refer to
21 our new site plan, the new civil drawings, and
22 supplemental stormwater report, a supplemental
23 geotechnical report, a supplemental traffic study,
24 new architectural plans, a new parking plan, a new
25 rubbish -- or maybe we should call this a modified

1 rubbish and recycling plan, and a preliminary
2 construction management plan which hadn't been
3 introduced before.

4 So schedule one will actually be
5 attached to this decision, all of the related plans
6 and reports so it will be easier for the
7 Commissioner and anyone to look at what we're going
8 to be -- what is supplanting, what was approved
9 before and certainly what we are keeping from and
10 not losing from the first round.

11 MR. MEIKLEJOHN: For the
12 architectural plans to be understood as to encompass
13 all drawings we've put --

14 MS. MORELLI: I should actually
15 change plans to drawings so it's understood that
16 we're looking at elevations and plans, so we should
17 just call that drawings.

18 Schedule two is going to be a
19 comparison of what land area, living area, what is
20 changing in terms of metrics.

21 And then schedule three is going to
22 be any new and modified conditions. So the new
23 conditions are pretty straightforward. Those mostly
24 pertain to geotech and foundation and excavation.

25 The modified conditions are going to

1 be a red line version of the conditions that were
2 approved. It's pretty obvious.

3 Schedule four will be the modified
4 waivers.

5 Schedule five is going to be a
6 certified list of abutters within 100 feet of both
7 1180 Boylston Street and 612-614 Hammond Street and
8 those would be the schedules there.

9 CHAIRWOMAN SCHNEIDER: Should we
10 start by looking through, I guess -- why don't we
11 start with the procedural history?

12 MS. MORELLI: If I can just point out
13 in item two, this is maybe the fifth line down under
14 Roman Numeral IV, "Increased living area" should be
15 "increased commercial area," and it should be
16 instead of 4,833, that should be 5,300.

17 CHAIRWOMAN SCHNEIDER: I only have a
18 minor nit on this page. The second to the last
19 sentence of materials in regard to drainage analysis
20 it's missing a word or two.

21 MS. MORELLI: Thank you.

22 CHAIRWOMAN SCHNEIDER: Are we seeing
23 things in this draft that come out as highlighted.
24 What was the significance?

25 MS. MORELLI: I wanted to leave -- I

1 didn't know if this hearing was going to be
2 continued. I presume it is going to close this
3 evening, but just in case it isn't, I wanted to be
4 able to capture any dates. So we can delete that
5 highlighted sentence in number six.

6 CHAIRWOMAN SCHNEIDER: Okay. And in
7 numbered paragraph nine at the bottom of that page?

8 MS. MORELLI: Yes.

9 CHAIRWOMAN SCHNEIDER: Okay. The
10 change we talked about earlier today with respect to
11 decision language is going to be carried forward?

12 MS. MORELLI: The decision language?
13 Okay. I see. Hold on a second. Yes. So that's
14 insubstantial to substantial, yes. That's a big
15 one.

16 CHAIRWOMAN SCHNEIDER: That's a big
17 one. I do have a question about condition number
18 six in light of what we just discussed regarding A&R
19 plan to consolidate that loss. Do we still need
20 this language or are we going to substitute?

21 MS. MORELLI: I would recommend the
22 following. Prior to the issuance of the building
23 permit, the applicant shall provide evidence to the
24 Building Commissioner that an endorsed approval not
25 required plan has been filed with the Registry of

1 Deeds.

2 MR. ZUROFF: Should it specify that
3 thereby becomes a single lot? I know it does,
4 but.

5 MS. MORELLI: Do you want to put
6 language in there?

7 CHAIRWOMAN SCHNEIDER: That's a good
8 idea.

9 MS. MORELLI: Okay.

10 CHAIRWOMAN SCHNEIDER: You want to
11 say endorse A&R consolidating lots?

12 MR. ZUROFF: To a single lot.

13 MS. MORELLI: Thank you.

14 MR. MEIKLEJOHN: You've got
15 substantial and insubstantial there. One under
16 decision --

17 MS. MORELLI: Record of vote should
18 be the forgoing as substantial changes.

19 MR. MEIKLEJOHN: Maria, under the
20 first condition architectural drawings, only use the
21 word drawing there.

22 MS. MORELLI: Thank you. I will. I
23 will also add your name under record of vote,
24 Mr. Meiklejohn.

25 MR. MEIKLEJOHN: Okay. Thank you.

1 CHAIRWOMAN SCHNEIDER: Maria, at the
2 top of the signature page or record of the page,
3 when we say in paragraph 7 "except as noted above,
4 the terms and conditions of the permit otherwise
5 remain in full force and effect," and then we're
6 also going to have this red line. Does that make
7 sense?

8 MS. MORELLI: i have under conditions
9 above, I have three, "the conditions and the comp
10 permit shall be modified as set forth in the newly
11 modified conditions. Attached is schedule three."
12 So it's new and modified.

13 CHAIRWOMAN SCHNEIDER: It feels to me
14 that we are making modifications by a red line to
15 the existing permit, so they are not really
16 remaining in full force and effect. They're also
17 being modified. Are you following what I'm saying?
18 Do I make any sense?

19 MR. ZUROFF: It's a redundancy. It's
20 essentially saying they're modified but then here's
21 what they were.

22 MS. MORELLI: I was being super
23 conservative.

24 CHAIRWOMAN SCHNEIDER: I understand.
25 I get why. I just want to make sure we're not...

1 MR. ZUROFF: Someone reading the
2 conditions down the road from the Registry of Deeds
3 doesn't really need to see the red lines.

4 CHAIRWOMAN SCHNEIDER: They don't
5 have to see the red, no, they just need to see the
6 clean version.

7 MR. ZUROFF: This is going to be the
8 final version.

9 MS. MORELLI: Then we can delete
10 number 7, is that what you're saying?

11 MR. ZUROFF: No, I'm just saying -- I
12 think I'm saying the modified conditions should
13 stand without the red lines. This is the new
14 comprehensive permit.

15 CHAIRWOMAN SCHNEIDER: When this
16 decision comes -- and we haven't done this before, I
17 don't know how this works -- but when this comes
18 together, the final document -- let's say we're at
19 the Registry and we're pulling these, we have the
20 previously recording comprehensive permit, we have
21 this modification. I think what you're saying is
22 you would just read them together or are you saying
23 this is going to supplant that?

24 MR. ZUROFF: This is the new
25 comprehensive permit, so no one has to look at the

1 prior.

2 CHAIRWOMAN SCHNEIDER: That's the way
3 it should be, but I'm wondering when we're looking
4 at this red line, is this red line part of this
5 modification document?

6 MS. MORELLI: This is just one thing
7 to keep in mind. If you go to approved, which I
8 have here, there is some procedural history that
9 defines the site. So I'm not redefining site. And
10 there is also all these findings that are still
11 valid, but I did not carry them over. So I treated
12 the procedural history as like supplemental
13 procedural history.

14 CHAIRWOMAN SCHNEIDER: They do need
15 to read together, it sounds like.

16 MR. ZUROFF: I guess. This seems
17 cumbersome to have red lines throughout modified.

18 CHAIRWOMAN SCHNEIDER: It's a little
19 cumbersome but it makes it completely clear what's
20 changed.

21 MR. ZUROFF: I see the value in this.
22 I guess it's fine to leave the red lines in there so
23 somebody can see what was modified.

24 CHAIRWOMAN SCHNEIDER: I do want to
25 go back to this language in paragraph 7. Do we need

1 them to say, "except as noted above, and in schedule
2 three the terms and conditions of the comprehensive
3 permit shall otherwise remain"?

4 MS. MORELLI: That's what I meant.
5 Because when I say above, so number three does
6 reference schedule three. That's why I thought -- I
7 just said except as noted as above. It would
8 exclude schedule three.

9 CHAIRWOMAN SCHNEIDER: List them as
10 attachments.

11 MS. MORELLI: The other thing is I
12 want to keep in mind there might be definitions in
13 the original decision that I'm obviously not
14 repeating here. That's why I want to be really
15 cautious about not superseding.

16 MR. ZUROFF: Instead of above, let's
17 say herein, and that covers everything.

18 CHAIRWOMAN SCHNEIDER: There you go.
19 Perfect.

20 MR. ZUROFF: Do we have to go through
21 these?

22 CHAIRWOMAN SCHNEIDER: I think we
23 have to go through schedule three.

24 MR. ZUROFF: Each one?

25 MS. MORELLI: Minor updates on

1 schedule two which is a comparison of specifications
2 there was presented to you, the breakdown of the one
3 to three beds, but I have an older version. We have
4 87 bedrooms, not 84. And it's 15, not 18 one beds;
5 33, not 32 beds, and it still remains two three beds
6 for 87, not 84 bedrooms.

7 CHAIRWOMAN SCHNEIDER: Should we go
8 to schedule three and look at the new conditions?

9 MS. MORELLI: These are conditions
10 that mostly ensure that we are including information
11 about the foundations, especially the sekant piles
12 that will be used and the fact that we have a new
13 parcel for which remediation or soil testing needs
14 to be reviewed.

15 So the first pertains to abatements
16 because the existing building might have asbestos
17 and there are state and local regs, and then
18 condition two and its subparagraphs really pertains
19 to -- it's almost identical to the condition we had
20 at 1299 about the pre-construction survey with
21 visual documentation. We do have abutters within
22 100 feet as we do for 1299. Those abutters are
23 listed in schedule five.

24 All the subparagraphs pertain to test
25 pits, installing crack agents, vibration monitors.

1 The reports to Building Commissioner maintaining
2 those vibration monitors, ceasing construction
3 activity. If there is a damage that is identified
4 and notifying the Building Commissioner any reports
5 of damage, stopping, ceasing construction activity.

6 And then prior to issuance of the
7 CFO, there is that post construction survey.

8 CHAIRWOMAN SCHNEIDER: Is that
9 Exhibit 4 or is it Exhibit 5?

10 MS. MORELLI: It should be schedule
11 five, that is correct. And I want to point out that
12 construction activity might be work. I think I
13 might have used a weaker term, but I think we
14 retained work.

15 MR. MEIKLEJOHN: By the time -- in
16 the sequence of transition from the earlier -- this
17 one. By the time you get to these conditions, will
18 site be understood to be mean the two properties as
19 assembled.

20 MR. ZUROFF: The combined site.

21 MS. MORELLI: I think we should
22 change the definition of site. I will work on that
23 with chair as an administrative detail, and I'll
24 make a note of changing site and changing the
25 project, the definitions of those two terms.

1 MR. MEIKLEJOHN: The question on
2 number one, it might relate to what this state says
3 about asbestos regulations, but my instinct is to
4 say or consider saying, "shall abate the existing
5 property." It's typically in buildings.

6 MS. MORELLI: Could be in soils.

7 MR. MEIKLEJOHN: And property
8 certainly encompasses the building.

9 MS. MORELLI: I was wondering if
10 there is going to be -- they do have to do soil
11 testing so there could be hazardous material in the
12 testing.

13 MR. MEIKLEJOHN: Which can be many
14 things.

15 MS. MORELLI: Wouldn't asbestos be
16 included in the list of materials?

17 MR. MEIKLEJOHN: It would.

18 MS. MORELLI: I feel like that's
19 probably included. I feel that when structures are
20 demolished, there needs that abatement done before
21 demolition. That's something that the public gets
22 very concerned about. They see a structure getting
23 demolished, it's an old structure, they want to make
24 sure it's been abated before it gets demolished.

25 CHAIRWOMAN SCHNEIDER: Did we require

1 asbestos abatement for the existing structure on the
2 first piece of this?

3 MS. MORELLI: Well, there was
4 something that was left over. It was a garage and
5 then there was another structure that was already --
6 I should point out this is kind of belt and
7 suspenders because there are regulations. For that
8 they still have to get a demolition permit. Through
9 that process the health department would get
10 involved and have a permit, also give them a permit
11 too.

12 I'm just providing that here. I
13 think it's just helpful sometimes for the public to
14 see that we haven't lost track of that, but it's not
15 really necessary.

16 CHAIRWOMAN SCHNEIDER: Okay.

17 MS. MORELLI: And then condition
18 three pertains to the post construction survey and
19 the next page conditions four parts of the issuance
20 of the building permit. We do want the applicant to
21 submit for review and approval, and this pertains to
22 that abutting parcel, that newly added parcel, three
23 things, a plan for soil and groundwater
24 characterization; a plan for soil testing, and then
25 see the results of all soil and water testing; and

1 this would go for the review and approval for
2 director of engineering and this is prior to the
3 issuance of the building permit.

4 Five, the applicant shall act as a
5 responsible party for construction of the 612-614
6 Hammond Street lot. This does pertain but not
7 limited to excavation management disposal,
8 contaminated soil and water pursuant to the
9 Massachusetts contingency plan and to dewatering
10 activities pursuant to United States EPA remediation
11 general permit.

12 And the last condition pertains to
13 bearing analysis study done by a professional
14 geotech engineer that would assess building load and
15 inform the final decision for foundation and
16 submitting this study for review and approval to the
17 Building Commissioner and the director of
18 engineering and transportation, and to submit the
19 plan for the excavation to support foundation design
20 which would be stamped by professional geotech for
21 the review and approval of the Building Commissioner
22 and the director of engineering and transportation.
23 That excavation support and foundation design shall
24 include but is not limited to plans for the drill
25 sekant pile foundation method indicated in the

1 geotechnical plan listed under schedule three and
2 the thickness of the foundation walls would be
3 architectural drawings and parking plan.

4 CHAIRWOMAN SCHNEIDER: Would we say
5 those are listed under schedule three? Isn't this
6 schedule three?

7 MS. MORELLI: No, it is not schedule
8 three.

9 MR. MEIKLEJOHN: Schedule one.

10 CHAIRWOMAN SCHNEIDER: Okay.

11 MS. MORELLI: I can't imagine writing
12 trusts for a living. Thank you for catching that.

13 CHAIRWOMAN SCHNEIDER: Then I have
14 another question about schedule three again. So
15 this is schedule three, and then we say under
16 modified conditions, see schedule three attachment
17 for red line version?

18 MS. MORELLI: So how would this look
19 in the end. The new conditions we can renumber them
20 and have them go at the end, so I want to be careful
21 about not renumbering what was already included.
22 Again, I haven't done this before, but I'm inclined
23 to just add these to the very end with a separate
24 heading.

25 MR. ZUROFF: Call it schedule 3A.

1 CHAIRWOMAN SCHNEIDER: Schedule
2 three -- yeah, 3A is a great idea.

3 MS. MORELLI: So the red line version
4 will be 3A?

5 CHAIRWOMAN SCHNEIDER: Yes, and make
6 the change to the parenthetical under modification
7 conditions on this document and at the top of the
8 red line document it will be Schedule 3A.

9 MS. MORELLI: Okay. So maybe just to
10 look at the first one, obviously we're changing 45
11 units to 50 under the second line, which buildings
12 are shown on the site plans and architectural plans
13 listed under item four, procedural history and
14 conditions of this decision?

15 MR. ZUROFF: It will be buildings, it
16 should be building.

17 CHAIRWOMAN SCHNEIDER: It should. So
18 that's just in the second line. I think it's not
19 item four.

20 MS. MORELLI: It would be --

21 CHAIRWOMAN SCHNEIDER: Of the
22 procedural history.

23 MS. MORELLI: For the approved --
24 I'll call it the 2016 decision.

25 CHAIRWOMAN SCHNEIDER: Do we need the

1 language about the conditions?

2 MS. MORELLI: We can maybe just say
3 listed under schedule three -- schedule one.
4 Sorry.

5 CHAIRWOMAN SCHNEIDER: Okay.

6 MS. MORELLI: Schedule one. So
7 wherever we see in the conditions of this decision
8 it could be a schedule in here at the very last line
9 that will be schedule one, unless you have
10 anything.

11 CHAIRWOMAN SCHNEIDER: No.

12 MS. MORELLI: Okay. Condition four,
13 that's going to be 87 bedrooms, not 84. And then
14 that chart is going to be updated so that is not 18
15 one beds, it's 15. It's not 32 beds, it's 33, and
16 therefore the total bedrooms for one beds will be 15
17 one beds, 66 two beds, and 6 three beds for a total
18 of 87 bedrooms. Am I doing the math right?
19 Fifteen, 66, and six?

20 MR. MEIKLEJOHN: Yes.

21 MS. MORELLI: I think in five we're
22 not approving waivers in Exhibit 1 but schedule
23 four. And six wherever we say item four, I think
24 we'll change that to schedule one. I'm not sure
25 what page you're on.

1 CHAIRWOMAN SCHNEIDER: Page four,
2 start getting some highlighted sections.

3 MS. MORELLI: I want to confirm.
4 Subparagraph L, that is correct. I wanted to check
5 the width of the driveway on a full size plan. That
6 is okay.

7 On subparagraph two, we no longer
8 need that paragraph because that pertained to having
9 stackers of the columns and stackers is really an
10 issue and when that gets worked out, it can affect
11 the width of the drive aisle and be parking spaces
12 themselves. Since there aren't going to be
13 stackers, we don't have that problem.

14 CHAIRWOMAN SCHNEIDER: So the queue
15 comes out.

16 MS. MORELLI: So delete queue. Under
17 15B, we're going change -- so a total of 3 Dumpster,
18 not two. And the second line, the project shall
19 provide seven toters, not four.

20 MR. MEIKLEJOHN: At that same
21 96-gallon size?

22 MS. MORELLI: Yes, correct.

23 MR. ZUROFF: We don't need pending --

24 MS. MORELLI: That's right. I think
25 in 24 on page six I'm going have to change that

1 because now it's really schedule five which pertains
2 to that abutters list, so I will work on that with
3 the Chair.

4 MS. BALAKRISHNA: I noticed one
5 thing. It's not 15. In the old version we had a
6 separate trash and recycling room in the garage, but
7 now it's one larger room for both.

8 MS. MORELLI: Was there a reason why
9 Mr. Maloney wanted separate rooms?

10 MS. BALAKRISHNA: I can't think of --
11 I don't remember a reason other than that's the way
12 it was shown on the plans before, so I'm not sure
13 what the reason was, but now it's one room.

14 MS. MORELLI: I think there would be
15 a need for separation if you have food waste. Since
16 that's not the case, there is food uses are
17 restricted. I guess it would be okay to delete that
18 line.

19 There is going to be -- keep in mind
20 there is going to be a review and approval of the
21 final plan, so if Mr. Maloney does want you to do
22 something differently, it would be within his
23 purview to ask for that, so I feel comfortable
24 deleting that line.

25 CHAIRWOMAN SCHNEIDER: It is the

1 second sentence of that, right?

2 MS. MORELLI: Yes.

3 MR. ZUROFF: Up to 27?

4 MS. MORELLI: You saw the additional
5 TDM mitigation regarding electric vehicles?

6 MS. BALAKRISHNA: Yes.

7 MR. ZUROFF: Unless there are typos
8 in there...

9 MR. MEIKLEJOHN: Can I go back and
10 ask if there is no change to this, it's not
11 appropriate because it's not a function of the
12 modification, but it's in number eight which is at
13 the top of page two. It's about -- so that no
14 direct light or glare shines on any street or nearby
15 homes. So my guess is our bylaw probably said we
16 have commercial properties and residential
17 properties abutting here, but that was always the
18 case even in the earlier permit.

19 MS. MORELLI: I think the issue
20 really is not so much commercial properties but
21 protecting residential. I think I might have -- I
22 can look at the bylaw to see that I'm being
23 consistent with the language in the bylaw. And I
24 can do that now if you want, but I'm pretty sure the
25 idea is we have residential homes on Heath, and we

1 also have six unit -- we were mostly concerned about
2 the six-unit condo building right on Route 9.

3 MR. MEIKLEJOHN: This is a part of
4 the bylaw that I always pay attention to. I think
5 the protection from glare is not just for residents
6 but I think it can be for commercial properties as
7 well which deserves protection, but I don't know if
8 it's appropriate to do that now when it's not really
9 changing the project.

10 MS. MORELLI: I'm happy to make it
11 consistent with the language of the bylaw. I think
12 I need to do that administratively with the Chair.

13 MR. MEIKLEJOHN: Thank you.

14 CHAIRWOMAN SCHNEIDER: Anything else
15 on draft conditions? Maria, anything else you want
16 to review with us?

17 MS. MORELLI: It would just be at
18 this point I think it's just really administrative
19 details regarding the Board's vote. There are
20 several things the Board needs to vote on, a number
21 of things would be to grant this approval.

22 CHAIRWOMAN SCHNEIDER: Let me stop
23 you for a second because I do think -- I know we
24 received some public comments about the waivers and
25 so if there is anybody here from the public who

1 would like to provide any kind of commentary about
2 the proceedings this evening, we invite you to come
3 up and speak to us now. Can I ask you to provide
4 your name? You know the drill.

5 MS. MURPHY: I know the drill. I'm
6 Mary Murphy. I live on Craftsland Road and I'm
7 representing many of my neighbors and I'm a
8 member -- an active member of the Chestnut Hill
9 Village Association.

10 First of all, I've lived in the
11 community for over 38 years, and I always said as
12 late back as 35 years ago, Precinct 15, which this
13 project is in, was one of the last frontiers in
14 Brookline and that we had to be careful and mindful
15 as development was going to eventually encroach our
16 neighborhoods and now we're really feeling the
17 impact.

18 Now that I look back on it, it was
19 visionary but no one paid attention to it and didn't
20 really get much traction, but I understand that
21 times change, and I understand we're well into this,
22 but I would like -- when you brought up the idea of
23 no food receptacles, I would like to kind of
24 introduce an idea that one of those storefronts may
25 be a coffee shop, something where the community can

1 feel a part of something, because we've lost --
2 every side of Route 9 has lost Finagle-A-Bagel,
3 Starbucks, because the Starbucks now in Newton and
4 Peet's Coffee are all gone. I understand there is a
5 little restaurant shop there and I would never want
6 to do anything to compromise that, but we don't have
7 enough on that side of the street to sort of run in,
8 get a cup of coffee, say hi to our neighbors. When
9 we lost Starbucks, that was a really big hit. Then
10 we got Peet's and they couldn't survive there. I
11 want to be able to bring that up.

12 And again, I want to go back and I
13 don't know if this is an appropriate time, again, to
14 speak to the public our piece that we have an
15 opportunity to put on that side wall. I just think
16 these are things that soften development for our
17 neighborhood, still give us a sense of community and
18 says that our new neighbors really care about being
19 part of that neighborhood.

20 So when it comes to the receptacles
21 and so, you know, understanding there is no food
22 waste, perhaps you might want to consider doing
23 something for the community if they can get a tenant
24 that wants to do coffee or minimize what that is.

25 So I just want to kind of soften what

1 we're about to see and feel, and these are things
2 that just make us feel like we still got our hand in
3 our neighborhood. Thank you.

4 CHAIRWOMAN SCHNEIDER: Thank you.

5 MR. DHANDA: Agreed.

6 MR. KOBES: Good evening. I'm David
7 Kobes. I reside at 629 Hammond Street which is the
8 corner of Heath and Hammond Street. I have sent
9 in -- I don't know if the Board has the copies.

10 MS. MORELLI: Yes.

11 MR. KOBES: Yes? I guess I should
12 pass it out to the rest of the Board or not?

13 MS. MORELLI: It was forwarded to --

14 MR. KOBES: I have some copies.

15 MS. MORELLI: If anyone needs a copy
16 of what you're --

17 MR. KOBES: Do you have a copy of the
18 presentation? It's a one-page exhibit.

19 MS. MORELLI: You can pass it out if
20 you want us to follow.

21 MR. KOBES: I guess I can say I
22 represent the last remaining part of the public
23 that's still able to go through these hearings and
24 hasn't given up yet.

25 The chart I have I would like to

1 explain it first just what it is. Maria had already
2 gone over the waiver list, and I picked up my
3 information from the website of the waiver list. So
4 the waivers are the rows. The columns are two main
5 sets, one was the passed set of waivers back in
6 2017, and the second set are those that you just
7 went over earlier in the hearing, and within the
8 columns, the first two columns, sub columns, are
9 also taken directly from the website, the building
10 code waiver list. And the third is just a ratio to
11 make it easier to understand how the impact or how
12 powerful these waivers might be. At least to me
13 percentages are very useful.

14 So just as example, on D, the very
15 first one, the maximum ratio of gross floor area to
16 lot area, the required value, and these titles of
17 the columns are from the waiver list. The required
18 value is one and the approved was 4.4. That's 440
19 percent more than what was passed and approved than
20 was required.

21 And I'll just point to one other one
22 as we look at the 2017 list, and that is E1, one I
23 still can't get my head around. The required was
24 ten feet. The approved was one inch. So that's
25 eight one hundreds of a foot. Or it's less than one

1 percent. It's 0.8 percent. This just astounds me,
2 but I know it's been passed.

3 My main point in putting the whole
4 thing together, however, is that each one of these
5 was approved one by one, and I'm trying to learn
6 just how this process works. No one seemed to look
7 past each one separately. The gestalt of the whole
8 thing is what seems to me is really important. And
9 when you put it all together, you say, Well, does
10 this tell us that the building doesn't fit the lot?
11 It does to me. And that's without going into any
12 one specific one but all of them together.

13 So I was a little disappointed that
14 the building was approved as proposed. Now we come
15 to 2019. There has been more land and I had thought
16 and kind of hoped that when I went through the same
17 process and looked at the ratios that they would
18 have improved, after all there was more land, but
19 they have not improved.

20 There are even a couple that are
21 worse. For example, the very first one, that's
22 probably the most indicative of does the building
23 fit the lot, in my term. So it went from 4.4 to
24 4.57. It's worse. And even the one inch is still
25 just one inch in E1. And also what's worse was the

1 commercial parking which had been a big issue during
2 discussions and previous hearings is although
3 because of the greater size, 32 parking spaces were
4 required. They were only increased in fact by one
5 from 19 to 20. So that makes the parking situation
6 even worse than it has been.

7 So in my mind, and I guess I'm asking
8 the Board how this works, how the process works, why
9 does this not add up to the fact that the building
10 overwhelms the site? Or to use the terms from the
11 Mass. Housing Project eligibility requirements, the
12 design generally is not appropriate for the site on
13 which it's located. I just don't understand it.

14 But at any rate, that is -- I would
15 hope that the Board at least in future hearings
16 could put together the gestalt and maybe see how
17 that may be more meaningful in looking at each
18 waiver one by one. Thank you. Are there any
19 questions as to the validity of this or anything?

20 CHAIRWOMAN SCHNEIDER: No. Thank you
21 very much.

22 MR. KOBES: Thank you.

23 CHAIRWOMAN SCHNEIDER: I do want to
24 take this opportunity to thank the members of the
25 public who have turned out for many of these

1 hearings and have given us very valuable input.
2 Nobody is very happy with a 40B project, but we have
3 paid close attention to the comments we received and
4 we really do appreciate them.

5 Okay. Board discussion, I'm not sure
6 what more we need to say other than, Maria, I think
7 you were going to go through some votes we need to
8 take.

9 MS. MORELLI: So the votes would be
10 certainly granting the approval with the
11 modifications authorizing the Chair to work with
12 staff on administrative details to finalize the
13 decision, authorize the Chair to sign the decision
14 and closing of the hearing.

15 MR. MEIKLEJOHN: Can I ask you a
16 question? This is about the request that Ms. Murphy
17 brought up. If I understand it correctly, this
18 refers to a line in all this documentation which
19 would prevent or prohibit the development of a
20 coffee shop or something like that. So is it
21 appropriate to talk about that now, or is it
22 something that -- is that considered a major or
23 minor request?

24 MS. MORELLI: Well, just to bridge
25 the gap, when we looked at this the first time, what

1 we're gauging here is not just density as a metric.
2 A lot of the things that Mr. Kobes raised is
3 metrics. In conjunction with that, we're looking at
4 intensity of use which is why we have so much peer
5 review and independent technical peer reviewers and
6 the chief of environmental health really did weigh
7 in and looked at what can be accommodated on the
8 site. There's no loading zone on the site. It is
9 in close proximity to some residential homes where
10 ventilation could be an issue. The building does
11 take up virtually all of the lot except for that
12 driveway portion.

13 So considering the limited amount of
14 space, the fact that with food-related retail you do
15 need to have a ventilator, there needs to be
16 ventilation, you have commercial kitchens, you have
17 food waste which needs to be separated. All of
18 those things add to intensity of use and perhaps
19 negative impacts on abutters. So it's not that it
20 wouldn't work at that site. It's just all that's
21 going on at that site with multiple retail, we don't
22 know the retail uses. It's really not specified, so
23 we could not be very specific about even parking
24 ratios. Those are unknowns. So the chief of
25 environmental health had to say, with all these

1 unknowns it had to say restrict.

2 So going forward it's not that an
3 applicant can come back with the request to
4 modify.

5 MR. MEIKLEJOHN: That's my follow-up
6 question.

7 MS. MORELLI: The process is the
8 same. The burden is on the applicant to provide the
9 space and the mitigation to support the intensity of
10 use that comes with a food --

11 MR. MEIKLEJOHN: In the first
12 place --

13 MS. MORELLI: It was not part of
14 modification, so we can't introduce something new.
15 We cannot open up new things. The ZBA can't weigh
16 in on the program itself. So if the applicant
17 initiates that, then the ZBA can respond.

18 MR. ZUROFF: At this point wouldn't
19 it be a change of use? They would need a variance
20 to get a coffee shop in this project?

21 CHAIRWOMAN SCHNEIDER: They would
22 need a waiver from use requirements of the bylaw.
23 So the question is if at some future time they felt
24 that they could manage a coffee shop or something
25 similar, they would have to come back, and then we

1 would have to make a determination as to whether
2 that was substantial or insubstantial, because if
3 it's insubstantial, it gets folded in. And if it's
4 substantial, you would have to go through some sort
5 of similar review process, obviously not this
6 long.

7 MS. MORELLI: Another case at 420
8 Harvard which food use was restricted and the
9 applicant did come back and it was worked out with
10 the chief of environmental health.

11 MR. MEIKLEJOHN: It helps to know
12 that mechanism. I think you understand I was
13 responding to the comment because we have spent a
14 lot of time just in the modification talking about
15 the varieties of impact of this project. This is a
16 sort of social impact or social relatedness. It
17 really resonates with me personally. I understand
18 the value of it. It's nice to know there's a
19 mechanism down the road if the applicant responsible
20 for property wants to respond to that neighborhood
21 request. Thanks.

22 MS. MORELLI: Okay.

23 MR. ZUROFF: I have no further
24 comments. I think we can basically exhibit all of
25 what is before us, and I think we've already

1 approved to each one of those things. I'm in favor
2 of giving the Chair the authority to sign and to
3 approve what we have already voted on and
4 approved.

5 CHAIRWOMAN SCHNEIDER: And to close
6 the hearing?

7 MR. ZUROFF: And to close the
8 hearing.

9 MR. MEIKLEJOHN: We're voting this?

10 CHAIRWOMAN SCHNEIDER: Yes.

11 MR. MEIKLEJOHN: I agree with those
12 two things.

13 CHAIRWOMAN SCHNEIDER: Okay. That's
14 it. The hearing is closed.

15 (Whereupon, the deposition concluded
16 at 8:15 p.m.)

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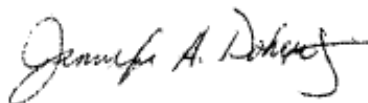
C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

I, Jennifer A. Doherty, Certified
Shorthand Reporter and Notary in and for the
Commonwealth of Massachusetts, do hereby certify
that the foregoing Pages 1 to 52 to be a true,
complete and accurate transcript of the testimony of
the aforementioned hearing held at the time and
place hereinbefore set forth, to the best of my
knowledge, skill and ability.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
HAND AND SEAL THIS 28TH DAY OF OCTOBER, 2019.



Jennifer A. Doherty
Certified Shorthand Reporter
CSR No. 1398F95

My Commission Expires:
October 19, 2023

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